

### REMARKS/ARGUMENTS

Claims 1-6, 8-17 and 19-22 were pending in the present application. By virtue of this response, no claims have been cancelled or added and claim 20 has been amended. Accordingly, claims 1-6, 8-17 and 19-22 remain under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

#### Specification

In paragraph 2 of the Office Action, the Examiner noted that the phrase –now U.S. Patent No. 6,653,862,-- should be inserted after the wording “10/140,911 filed on may 6, 2002,”. With this communication, Applicant has so amended paragraph [0001]. Accordingly, it is believed that this informality is overcome.

#### Claim objections

The Examiner objected to claims 1-6, 8-17 and 19-22 stating that the phrase “(currently amended):” on line 1 of each of the claims appears to be –(currently amended).—respectively. The only difference Applicant can detect between the phrase “(currently amended):” and the phrase “(currently amended).” is that the latter phrase includes a period rather than a colon. According to the example of MPEP section 7.14 IIA, the phrase “(currently amended):”, including a colon, is to be used when used in submitting amendment papers. Thus, Applicant respectfully asserts that use of the phrase “(currently amended):”, is not informal. If Applicant has misunderstood the Examiner’s objection, Applicant apologizes and would appreciate a communication to such effect.

The Examiner also objected to claims 2, 4-5, 13 and 15-16 stating that the phrase “(original):” on line 1 of each of the claims appears to be –(original).—respectively. For the

reasons discussed above with respect to the objection to claims 1-6, 8-17 and 19,22, Applicant respectfully asserts that use of the phrase “(original):” is not informal.

Finally, the Examiner objected to claim 20 for not listing a claim on which claim 17 depends. With this communication, Applicant has amended claim 20 as suggested by the Examiner to recite that claim 20 depends from claim 18. Thus, it is believed that the Objected is overcome.

For the reasons discussed above, Applicant respectfully requests withdrawal of the objections to claims 1-6, 8-17 and 19-22.

### **Double Patenting**

The Examiner rejected claims 1-6, 8-17 and 19-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,653,862. Enclosed with this communication is a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of prior Patent No. 6,653, 862 B2 and that any patent granted on the present application shall be enforceable only for and during such period that it and the prior patent are commonly owned.

Applicant believes that filing of the attached terminal disclaimer overcomes the double patenting rejection.


**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **306812002201**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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